

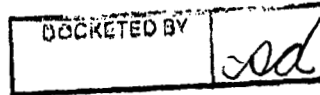
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Arizona Corporation Commission

BEFORE THE ARIZONA CORPORATION COMMISSION

APR 28 2000

CARL J. KUNASEK
Chairman
JIM IRVIN
Commissioner
WILLIAM A. MUNDELL
Commissioner



IN THE MATTER OF THE APPLICATION)
OF U S WEST COMMUNICATIONS, INC.,)
FOR APPROVAL OF THE RESALE)
AGREEMENT WITH ESSENTIAL.COM,)
INC., DBA ESSENTIAL.COM, INC. - YOUR)
ENERGY AND COMMUNICATIONS)
SUPERSTORE)

DOCKET NO. T-01051B-00-0108

DECISION NO. 62487

ORDER

Open Meeting
April 25 and 26, 2000
Phoenix, Arizona

BY THE COMMISSION:

FINDINGS OF FACT

1. On February 16, 2000, U S WEST Communications, Inc. (U S WEST) filed an application for approval of resale agreement between U S WEST and Essential.com, Inc. dba Essential.com, Inc. - Your Energy Superstore (Essential).

2. The term of the agreement starts at the date of Commission approval and continues until March 18, 2002. This agreement will remain in force and effect after that date until terminated, by either party providing 160 days written notice.

3. The agreement governs the terms and conditions for the resale of U S WEST's services.

4. The Telecommunications Act of 1996 (1996 Act) directed incumbent local exchange carriers to make their networks available for interconnection and resale by new entrants to the local exchange market. The 1996 Act provided for interconnection and resale agreements to be concluded by voluntary agreement.

5. This resale agreement between Essential and U S WEST was voluntarily negotiated, without resort to arbitration.

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1 6. Under terms of the agreement, U S WEST will make certain local exchange services
2 available to Essential under the terms and conditions of the agreement.

3 7. Generally, U S WEST residential services will be made available to Essential for
4 resale at a 12 percent discount. Business services will be available at an 18 percent discount.

5 8. According to the 1996 Act and State Rule, the Commission must approve voluntarily
6 negotiated interconnection and resale agreements, if their provisions are non-discriminatory and in
7 the public interest. U S WEST has asserted that the provisions of the U S WEST/Essential agreement
8 are non-discriminatory and in the public interest. Staff has reviewed the agreement and finds it to
9 be non-discriminatory and in the public interest.

10 9. Therefore, since there are no grounds for rejection of the agreement pursuant to
11 Section 252(e)(2)(A) of the 1996 Act, Staff has recommended that the Commission approve the
12 resale agreement between U S WEST and Essential.

13 CONCLUSIONS OF LAW

14 1. U S WEST is a public service corporation within the meaning of Article XV, Section
15 2, of the Arizona Constitution.

16 2. The Commission has jurisdiction over Essential and U S WEST and over the subject
17 matter of the Application.

18 3. The Commission, having reviewed the Application and Staff's Memorandum, has,
19 determined that the resale agreement negotiated between U S WEST and Essential meets the
20 requirements of the 1996 Act including section 252(e)(2)(A) which governs the approval of
21 voluntarily-negotiated agreements and is in the public interest.

22 4. The Commission maintains jurisdiction over the subject matter of the agreement and
23 Amendments thereof, to the extent permitted pursuant to the powers granted the Commission by the
24 Arizona Constitution, Statutes, Commission Rule, and the 1996 Act and the Rules promulgated
25 thereunder.

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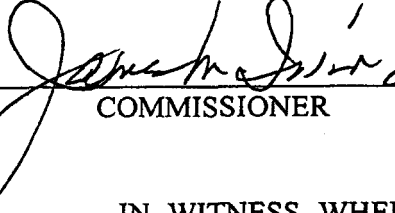
ORDER

THEREFORE, IT IS ORDERED that the Commission hereby approves the resale agreement as filed by the parties on February 16, 2000.

IT IS FURTHER ORDERED that this Decision shall become effective immediately.

BY ORDER OF THE ARIZONA CORPORATION COMMISSION


CHAIRMAN


COMMISSIONER


COMMISSIONER

IN WITNESS WHEREOF, I, BRIAN C. McNEIL,
Acting Executive Secretary of the Arizona Corporation
Commission, have hereunto, set my hand and caused the
official seal of this Commission to be affixed at the
Capitol, in the City of Phoenix, this 28th day of
April, 2000.


BRIAN C. McNEIL
Executive Secretary

DISSENT _____

DRS:MJR:sjs\TIW

DECISION NO. 62487